## PATENT

Attorney Docket No. ROC920030367US1 (IBM/289)

## CERTIFICATE OF ELECTRONIC TRANSMISSION

Confirmation No. 6194

I hereby certify that this correspondence for Application No. 10/758,484 is being electronically transmitted to Technology Center 2186 via EFS-WEB, on September 23, 2008.

/Scott A. Stinebruner/	September 23, 2008
Scott A. Stinebruner, Reg. No. 38,323	Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kevin Curtis Griffin et al. Art Unit: 2186

Application No.: 10/758,484 Examiner: Shane M. Thomas

Filed: January 15, 2004

For: ASYNCHRONOUS HYBRID MIRRORING SYSTEM

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed **September 15, 2008** finally rejecting claims **1, 3, 4, 6-16, and 36**.

The item(s) checked below are appropriate:

1	Applicant hereby petitions for a month extension of time to reply to the final rejection.  Check attached for the sum of \$  Please charge the sum of \$ to Credit Card per the attached Electronic Fee Sheet.  Please apply extension of time fee to Deposit Account No. 23-3000.				
2. <u>X</u>	Appeal Fee:	<u>XXX</u>	Other than a small entity Small Entity Status previously Requested and is still proper Small Entity Status Requested	Fee: \$510.00 Fee: \$	
3. <u>X</u>	Payment:	<u>XXX</u>	Check attached for the sum of \$\frac{\\$}{2}\$ Please charge the sum of \$\frac{\\$}{2}\$ Electronic Fee Sheet.  Please charge the sum of \$\frac{\}{2}\$	-	
4. <u>X</u>	Fee Deficiencies	cies: If any other fees or extension of time is needed to complete this transaction or if a credit is due, please apply them to Deposit Account No. 23-3000.			
2700 Ca 441 Vir Cincinn Telepho	Respectfully submitted,  700d, Herron & Evans LLP  700 Carew Tower  41 Vine Street incinnati, Ohio 45202 elephone: (513) 241-2324 acsimile: (513) 241-6234  Respectfully submitted,  By: /Scott A. Stinebruner/ Scott A. Stinebruner Reg. No. 38,323				
			Date:	<u>September 23, 2008</u>	